

# EXHIBIT I

*WILLIAM J. WAGNER vs.  
CHIARI & ILECKI, LLP.*

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*MELISSA OVERBECK, ESQ.  
October 5, 2016*

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*Min-U-Script® with Word Index*

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NEW YORK

3 \_\_\_\_\_  
4 WILLIAM J. WAGNER,

5 Plaintiff,

6 vs Docket No. 15-CV-633-JTC  
7

8 CHIARI & ILECKI, LLP,

9 Defendant.  
10 \_\_\_\_\_

11 Examination Before Trial of MELISSA OVERBECK, ESQ.,  
12 held pursuant to the Federal Rules of Civil Procedure,  
13 in the law offices of CONNORS LLP, 1000 Liberty  
14 Building, 424 Main Street, Buffalo, New York, on  
15 Wednesday, October 5, 2016 at 1:13 p.m. before Molly  
16 Fenske, Notary Public.

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1 APPEARANCES:

2  
3 LAW OFFICES OF KENNETH HILLER, PLLC  
4 BY: SETH J. ANDREWS, ESQ.  
5 6000 North Bailey Avenue, Suite 1A  
6 Amherst, New York 14226  
7 sandrews@kennethhiller.com  
8 Appearng for the Plaintiff.

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CONNORS LLP  
BY: PAUL A. WOODARD, ESQ.  
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424 Main Street  
Buffalo, New York 14202  
paw@connorsllp.com  
Appearing for the Defendant.

12 PRESENT:

13 William Ilecki, Esq.

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(Whereupon, the following stipulations were entered into by the respective parties:

3 It is hereby stipulated by and between  
4 counsel for the respective parties that the oath of  
5 the referee is waived, that filing and certification  
6 of the transcript are waived, and all objections,  
7 except as to the form of the question, are reserved  
8 until the time of trial.)

9                           THE REPORTER: Mr. Andrews, you'll supply  
10 Mr. Woodard?

11 MR. ANDREWS: Of course.

12 THE REPORTER: Usual stipulations or read  
13 and sign?

14 MR. WOODARD: Usual stipulations is what  
15 we did for the first one; right? Yeah, sixty days, if  
16 that's agreeable.

17 | MR. ILECKI: Yeah.

MELISSA OVERBECK, ESQ., 610 Youngs Road,  
Unit E, Amherst, New York 14221, having been duly  
called and sworn, was examined and testified as  
follows:

22 MR. ANDREWS: Melissa, hi. My name is  
23 Seth Andrews. I'm the attorney for the plaintiff in  
24 this matter, William J. Wagner. He's filed an action  
25 naming Chiari & Ilecki as the defendant in a lawsuit

1       alleging violations of the Fair Debt Collection  
2       Practices Act. We're here to take your deposition  
3       with respect to that lawsuit.

4                  I'm going to be asking you some questions.  
5       Please do your best to respond verbally.

6                  I don't know if you've ever been deposed  
7       before. If for some reason there's a question that  
8       you don't understand, let me know and I'll try to  
9       rephrase it.

10                 If I'm speaking too fast, which I'm prone  
11      to do, let me know. I'll try to slow down. The court  
12      reporter is going to do a good -- did a good job at  
13      the last one of keeping me on track with that.

14                 If you need to take a break at any time,  
15      let me know. It's no problem. I would just ask that  
16      if there's a question that's asked, you answer it  
17      prior to any break. That's pretty much it.

18      EXAMINATION BY MR. ANDREWS:

19      Q. Before we start, is there any reason you can't  
20      provide truthful or accurate testimony today?

21      A. No.

22      Q. Not taking any medication that would impair  
23      your ability to recall or testify fairly?

24      A. No.

25      Q. What's your date of birth?

1 A. [REDACTED] /85 .

2 Q. And where were you born?

3 A. Buffalo, New York.

4 Q. And highest level of education you've obtained?

5 A. A law degree.

6 Q. And where did you get your JD at?

7 A. University of Buffalo.

8 Q. And when did you get it?

9 A. I graduated in 2011.

10 Q. In preparation for today's deposition, did you  
11 discuss this case with anyone other than your  
12 attorney?

13 A. I reviewed some documentation and briefly  
14 discussed the case with some people from my work.

15 Q. Who were those people?

16 A. I discussed it briefly with William Ilecki,  
17 Antoinette Ferraro, Karen Sandford, Kristian Brown,  
18 Rita Marty.

19 Q. Those other four individuals, what was the  
20 basis or what were the substance of the discussions?

21 MR. WOODARD: The ones outside my  
22 presence.

23 MR. ANDREWS: Yes, outside your presence.  
24 Correct.

25 THE WITNESS: Actually, there wasn't any

1 outside of his presence.

2 BY MR. ANDREWS:

3 Q. Okay, easy enough. You said you reviewed some  
4 documents?

5 A. Yes, the discovery responses that we provided.

6 Q. Did you review any other documents?

7 A. No.

8 Q. Have you ever testified in court before?

9 A. No.

10 Q. Have you ever provided deposition testimony  
11 before?

12 A. No.

13 Q. After you graduated UB, where did you first  
14 work?

15 A. At Chiari & Ilecki.

16 Q. So you've been here since graduation?

17 A. Since before graduation, I've been here since  
18 March 2008.

19 Q. Summered?

20 A. I'm sorry?

21 Q. You summered?

22 A. I started --

23 MR. ILECKI: I have to object to the  
24 question. I'm not sure I know what that means. Are  
25 you talking about clerking?

1                   MR. ANDREWS: Yeah, summered.  
2                   MR. ILECKI: Actually -- okay.  
3                   MR. ANDREWS: Come on, she knows what it  
4 means.

5                   MR. ILECKI: I didn't know what --  
6                   MR. ANDREWS: Really? That's two for two,  
7 wow.

8                   THE WITNESS: I actually started as a  
9 receptionist right out of my undergraduate education  
10 and then I became promoted to legal assistant and a  
11 law clerk and now associate attorney.

12 BY MR. ANDREWS:

13 Q. Wow, okay. When you became an attorney with  
14 the firm, were you trained in Fair Debt Collection  
15 Practices Act compliance?

16 A. Yes.

17 Q. Do you remember who trained you?

18 A. William Ilecki.

19 Q. Do you remember generally the process?

20 A. He and I would meet almost daily to go over  
21 files. We would discuss fair debt cases that came  
22 out. He would advise me as to the procedure of how to  
23 review a file, how to handle a file from start to  
24 finish.

25 Q. Did you take any written exams?

1           A. No.

2           Q. Were you ever provided any kind of training  
3 manual or material with respect to the FDCPA  
4 compliance?

5           MR. WOODARD: Form.

6           THE WITNESS: I received past documents  
7 that William Illecki had written on the topic of Fair  
8 Debt Collection Practices Act.

9 BY MR. ANDREWS:

10          Q. Did you ever sign anything acknowledging  
11 receipt of those documents you received?

12          A. No. I received a handbook, an employee  
13 handbook which talks about our office policies, and we  
14 do sign for those.

15          Q. But nothing as far as the FDCPA compliance?

16          A. No.

17          Q. Are you aware of any procedures in place at  
18 your office for collecting on accounts that have  
19 judgments?

20           MR. WOODARD: Form.

21           THE WITNESS: Am I aware of procedures,  
22 yes.

23           MR. ANDREWS: What -- what's -- and  
24 obviously I know this can be in depth, but just a  
25 basic procedure as far as related to your work at the

1 firm of a file comes in for collection on judgment,  
2 what would your involvement be in that?

3 MR. WOODARD: Form.

4 THE WITNESS: Can you get a little more  
5 specific? There's a lot of different facets to  
6 collecting on a judgment.

7 BY MR. ANDREWS:

8 Q. Judgment debtor needs to be located and the  
9 file is assigned to you.

10 A. So to be clear, you're asking me our procedures  
11 for skip tracing?

12 Q. Yep.

13 A. Typically, a skip tracing is done generally by  
14 William Ilecki or myself in the office. My own  
15 personal procedure? I would look up a search of the  
16 defendant by social security number and last name  
17 using a legal database like Westlaw. I'll review the  
18 information on there. I will look at credit reports  
19 if they're available. I will look at any  
20 correspondence we received from the post office if we  
21 ran a postal search. I will look at the history of  
22 the case to see if there's any addresses that have  
23 previously been confirmed to not be where the debtor  
24 resides. If there is real property involved I will  
25 look at the Real Info report, so there's a lot of

1 review that goes into locating someone.

2 Q. Let's look at -- is that A? I think so, yeah.  
3 I'm showing you a document that's been previously  
4 marked as Plaintiff's Exhibit A.

5 A. Sure.

6 Q. It's labeled Chiari 164, 165, 166. Have you  
7 ever seen this document before?

8 A. Yes.

9 Q. What is this document to your knowledge?

10 A. This is an event log from our file regarding  
11 William J. Wagner.

12 Q. And if we turn to 165 and we see date, February  
13 9, 2015 in the event date column? It's got LX, DMV --  
14 I'm sorry, it's got credit report, and then far left  
15 column, event user, Missy. Are you Missy?

16 A. Yes.

17 Q. So on that date, you ordered a credit report  
18 for William J. Wagner, Junior; is that correct?

19 A. Yes.

20 Q. And you also did an employment search for  
21 William J. Wagner, Junior?

22 A. For our judgment debtor, yes.

23 Q. And the address 1571 Eggert Road, that was  
24 found to be an invalid address based on your search?

25 A. Yes.

1       Q. And if we look down it says invalid address,  
2 review, dash, credit report, and then the event  
3 comment section, Real, dash, Info, DBTR, debtor, owns  
4 5419 Roberts RD, period, W, slash, wife, semi-colon,  
5 LX, dash, nothing current. What lead you to that  
6 determination that William J. Wagner, Junior owns 5419  
7 Roberts Road?

8                   MR. WOODARD: Form.

9                   THE WITNESS: Well, when I -- like I said  
10 before, when I review a file, I look at the search  
11 that comes up on the legal database and I compare it  
12 to other sites such as Real Info.

13                  In this case, I saw that William J.  
14 Wagner, Junior had an address listed of 5419 Roberts  
15 Road. So to verify that, I looked on the Real Info  
16 website and confirmed that William J. Wagner, Junior  
17 did own 5419 Roberts Road with his wife, the wife  
18 being listed as a spouse on the Lexis report.

19                  MR. ANDREWS: I'm going to show you a  
20 document that's listed, or sorry, labeled as  
21 Plaintiff's Exhibit C. Paul, do you have a copy still  
22 of it?

23                  MR. WOODARD: Mhmm.

24 BY MR. ANDREWS:

25        Q. It's identified as Chiari 192. Is that -- is

1       this similar to the type of report you would have ran  
2       on I think you testified Real it's called or Real  
3       Info?

4       A. Yes.

5       Q. Okay. When you run those reports, do you print  
6       out the reports?

7       A. No.

8       Q. So you wouldn't through the normal course of  
9       your employment print out reports for Real or for any  
10       of the other search tools, like Lexis or Westlaw?

11       A. Print out in paper form?

12       Q. Yeah.

13       A. Sometimes I will print it and convert it to a  
14       PDF and attach it to a file, not all the time.

15       Q. Do you know if you did that in this particular  
16       case?

17       A. I did not.

18       Q. Any reason why not?

19       A. Because I marked it on the event log.

20       Q. And obviously, we don't have a copy of -- this  
21       was taken in May 9th of 2016. We don't have a copy of  
22       the record report that you pulled that day, but to the  
23       best of your recollection, you believe it had William  
24       Wagner, Junior listed as the owner of 5419 Roberts  
25       Road?

1       A. I can only go by what the event log says, and  
2 it says on February 9, 2015 I confirmed with Real Info  
3 that 5419 Roberts Road was owned by a William Wagner.

4       Q. If you look at Plaintiff's Exhibit C, under  
5 ownership information it says Wagner, William;  
6 correct?

7       A. Yes.

8       Q. There's no junior on there; correct?

9       A. Right.

10      Q. So what I'm asking is if you can recall that  
11 junior was on there when you pulled it, if that was  
12 your recollection?

13            MR. WOODARD: The word junior?

14            MR. ANDREWS: Yeah, yeah.

15            THE WITNESS: I don't recall.

16 BY MR. ANDREWS:

17      Q. Okay. Keeping on that Chiari 165, on 2/9/15  
18 then looking at the event comment, there's a letter to  
19 debtor on that date, as well as an information  
20 subpoena to debtor on that date. Do you see that?

21      A. On 165?

22      Q. Yes.

23      A. Yes, yes, I see it.

24      Q. Okay. Ignoring the handwriting on there, is  
25 that the letter that you recall signing?

1                   MR. WOODARD: Are we going to mark this  
2 one?

3                   MR. ANDREWS: Yeah.

4                   MR. WOODARD: We're going to mark it?

5                   MR. ANDREWS: Yeah.

6                   MR. WOODARD: Just so the record is clear,  
7 it's a February 9, 2015 letter with handwriting on it.

8                   MR. ANDREWS: Yeah.

9                   THE WITNESS: I'm sorry, are you asking me  
10 if this is the letter that was sent?

11 BY MR. ANDREWS:

12 Q. Is that your signature?

13 A. Yes.

14 Q. Did you draft this letter?

15 A. Yes.

16                  MR. ILECKI: Can I recommend that we mark  
17 that? And I'll tell you why, because I think that is  
18 a letter that may have been referenced in the morning  
19 by you.

20                  MR. ANDREWS: We're going to mark it.

21                  MR. ILECKI: And that's distinct from the  
22 other letter because there's markings on it.

23                  MR. WOODARD: Correct.

24                  MR. ANDREWS: Yeah.

25                  (Whereupon, Exhibit Plaintiff's E, a

1       February 9, 2015 letter, was marked for  
2 identification.)

3                   MR. WOODARD: So the letter that we've  
4 just been discussing has just been marked as  
5 Plaintiff's Exhibit E.

6                   MR. ANDREWS: Yeah.

7 BY MR. ANDREWS:

8                   Q. Just to backtrack real quick, if we go up to  
9 that other event comment where it says LX, dash,  
10 nothing current, does that mean you did a Lexis search  
11 and it provided no current information?

12                  A. Yes.

13                  Q. So Mr. Wagner based on, again, 165 calls in and  
14 states that he's not the debtor. He's not junior,  
15 provides last couple numbers of his social security  
16 number, and the individual he speaks with knows that  
17 they e-mailed MO. That's you; correct?

18                  A. Yes.

19                  Q. Showing you a document that's marked already as  
20 Plaintiff's Exhibit B, do you recall reviewing this  
21 document prior to today?

22                  A. Yes.

23                  Q. When did you review it?

24                  A. I couldn't tell you specifically.

25                  Q. Okay. When you got that from Karen, what was

1 your course of action, if any?

2 A. Well, usually when that happens, the assistant  
3 would have asked the person who called to submit proof  
4 that they are not in fact the debtor. So at that  
5 point, I would -- I waited to see if the defendant or  
6 if the person who called actually submitted proof.

7 Q. So this didn't trigger any additional  
8 investigation on your part?

9 MR. WOODARD: Form.

10 THE WITNESS: I had just investigated it  
11 three days before.

12 MR. ANDREWS: So you didn't investigate it  
13 any further after receiving this?

14 MR. WOODARD: Object to form.

15 MR. ANDREWS: Did you investigate it any  
16 further after receiving this?

17 MR. WOODARD: Form.

18 THE WITNESS: Well, yeah, I mean, there's  
19 more. When -- when are you asking me, when did I  
20 review this?

21 MR. ANDREWS: Yeah. After you got this,  
22 did -- what steps, if any, did you take to investigate  
23 that that individual calling in was in fact the  
24 debtor?

25 MR. WOODARD: Form.

1                   THE WITNESS: Well, I looked again on June  
2 5th. I did another review to make sure that it was  
3 him before anything else went out to that person.

4 BY MR. ANDREWS:

5 Q. What search tool did you use?

6 A. I used a Lexis search.

7 Q. And you didn't print out a copy of that Lexis  
8 search; correct?

9 A. No.

10                  MR. ILECKI: Correct, are you saying  
11 that --

12                  THE WITNESS: No, I did not print it out.

13                  MR. ILECKI: Okay.

14                  (Whereupon, Exhibit Plaintiff's F, a  
15 subpoena duces tecum with restraining notice, was  
16 marked for identification.)

17 BY MR. ANDREWS:

18 Q. You've been handed a document labeled  
19 Plaintiff's Exhibit F. Are you familiar with this  
20 document?

21 A. Yes.

22 Q. What is it?

23 A. A subpoena duces tecum with restraining notice.

24 Q. If we turn to the second page, it's got a  
25 signature on there. Is that your signature?

1       A. Yes.

2       Q. Did you -- I recognize this is a form document,  
3 but did you prepare the document?

4       A. I did not actually merge the document, no.

5       Q. You just signed-off on it?

6                  MR. WOODARD: Form.

7                  THE WITNESS: Well, yes, but I review it  
8 first.

9 BY MR. ANDREWS:

10      Q. Okay. To the best of your knowledge, that  
11 address, that was the intended address for service of  
12 this subpoena, is that right, 5419 Roberts Road,  
13 Hamburg, New York 14075?

14      A. Is the intended address did you say?

15      Q. Yes.

16      A. Yes.

17      Q. Okay. Are you aware of any procedures in place  
18 at your office when a debtor or someone calling in  
19 disputes that they are the debtor?

20      A. Yes, I am aware of the procedure.

21      Q. What's that procedure?

22      A. An attorney is notified and it's up to the  
23 attorney to do a review of the file. Also, when the  
24 person calls in claiming they're not the judgment  
25 debtor, our assistants are to ask them to send in

1 proof verifying that they are not in fact the judgment  
2 debtor.

3 Q. And is this procedure, are you aware of  
4 anything in writing to that effect that you just  
5 described?

6 A. No.

7 Q. You testified that the employee or person  
8 taking the call is to request verifying information.  
9 How are they made aware of that procedure, do you  
10 know?

11 A. How are the assistants made aware to ask?

12 Q. Yeah.

13 A. In their training. When they're hired, they're  
14 trained.

15 Q. Is there anything written to that effect?

16 A. No.

17 Q. When you made the determination that that was  
18 -- that the 5419 Roberts Road was a good address for  
19 the debtor, did you discuss that with any other  
20 attorneys in the office?

21 A. No.

22 Q. Looking at 165, which I think it's again  
23 Plaintiff's A?

24 MR. WOODARD: I believe so, yeah.

25 BY MR. ANDREWS:

1       Q. If we look on 6/5/2015, review credit report,  
2 LX, DMV, and then the comment section says LX, dash,  
3 looks like WW, comma, SR, period, and WW, comma, JR,  
4 period, live at same address. Do you see that?

5       A. Yes.

6       Q. What search tool provided you with that  
7 information?

8       A. Lexis.

9       Q. You don't -- there's no print-out of the actual  
10 report --

11      A. No.

12      Q. -- that you're aware of?

13           Did you consider at all prior to sending out  
14 that subpoena duces tecum that Mr. Wagner had called  
15 in twice saying that he wasn't the debtor?

16      A. I considered that he called in twice and was  
17 told to send in proof verifying who he was and he  
18 still hadn't done that.

19      Q. Did he provide his -- at least a little bit of  
20 a social security number?

21           MR. WOODARD: Form.

22           THE WITNESS: It looks like he provided  
23 the last two of his social security number.

24           MR. ANDREWS: Did he provide his date of  
25 birth or his birth month and birth year?

1                   MR. WOODARD: Form.

2                   THE WITNESS: You would have to ask Karen.

3 She's the one who took that event.

4 BY MR. ANDREWS:

5 Q. But that information was made available to you  
6 prior to deciding to serve him with the --

7 A. Yes.

8 Q. -- subpoena? Yes.

9                   Let's look at 166. So if we look at June 29,  
10 2015 comment section says original file, opened docs.  
11 What's that?

12 A. When we open a file, we scan everything into  
13 the system that the client refers to us, so it looks  
14 like I just scanned those in.

15 Q. What would those docs have been?

16 A. I don't remember specifically what they were  
17 here.

18 Q. Like, docs in terms -- I mean, docs as far as  
19 the judgment or information about the debtor?

20 A. Whatever the client sends to us.

21 Q. Okay, so this case originated sometime prior to  
22 '06. Why were you scanning documents in in 2015,  
23 original file, opened docs?

24 A. My thought is to make sure that everything was  
25 scanned in. I mean, scanning wasn't made available

1 until -- it could have been 2006. I don't remember  
2 specifically, but there was a time when our system  
3 operated without scanning being available.

4 Q. So this is just housekeeping you got to in  
5 other words? There was nothing significant. No one  
6 told you to do this. It wasn't part of your  
7 procedure. It was just general housekeeping; is that  
8 fair to say?

9 A. No one told me to do it.

10 Q. If we look down below, it says review credit  
11 report, LX, DMV, and then the comment section, it says  
12 confirm there is a William Wagner, W, slash, SS,  
13 pound, ending in 3918, comma, DOB [REDACTED]/50, living at  
14 Roberts RD, period, not our DBTR. So at that point,  
15 you confirmed that the debtor did not reside at 5419  
16 Roberts Road?

17 MR. WOODARD: Object to form.

18 THE WITNESS: No, I did not confirm that  
19 at that time. I didn't know if the debtor resided  
20 there. He never sent us proof.

21 BY MR. ANDREWS:

22 Q. So is it your understanding at that point  
23 there's a William Wagner with social security 3918,  
24 date of birth [REDACTED]/50, living at Roberts Road; is  
25 that right?

1           A. That's what it looks like, yes.

2           Q. Is (sic) the debtor's social security number  
3 end in 3918?

4                   MR. WOODARD: Form.

5 BY MR. ANDREWS:

6           Q. Do you know if the debtor's social security  
7 number ends in 3918?

8           A. I don't know.

9           Q. Would that have been -- would that information  
10 have been available to you in the original file of  
11 open docs you scanned in?

12          A. What information?

13          Q. His social security number.

14          A. Yes, I don't have it in front of me here. I  
15 don't know what it is offhand.

16          Q. Yeah. So when you say not our debtor, doesn't  
17 that indicate that you don't believe that William  
18 Wagner living at 1020, or I'm sorry, at 5419 Roberts  
19 Road is the debtor?

20                   MR. WOODARD: Form.

21                   THE WITNESS: No, all that tells me is  
22 that there was a William Wagner living at the Roberts  
23 Road address with that date of birth and social  
24 security number. I had no idea if our debtor was  
25 residing there as well. I don't know.

1 BY MR. ANDREWS:

2 Q. So it's -- your thought process is there could  
3 be a second William Wagner living there?

4 A. Yes.

5 Q. And that was based on what, what led you to  
6 that assumption?

7 A. The fact that there is this gentleman calling  
8 saying that he is not our judgment debtor, yet refuses  
9 to send proof. I've reviewed a reference report, Real  
10 Info report, all telling me that our debtor with the  
11 social security number that I looked up is linked to  
12 5419 Roberts Road, so that's what I had to go off of.

13 Q. Show you a document that's been marked as  
14 Plaintiff's Exhibit D. Did you ever utilize Trans  
15 Union to ascertain whether or not the debtor resided  
16 at 5419 Roberts Road?

17 A. The judgment debtor, yes.

18 Q. Yes, and that address doesn't show up?

19 A. No.

20 MR. ILECKI: Objection to form. Are you  
21 talking about it doesn't show up on that exhibit?

22 MR. ANDREWS: On this exhibit, yes.

23 THE WITNESS: No, it does not.

24 BY MR. ANDREWS:

25 Q. Do you know if your office has withdrawn the

1 subpoena duces tecum?

2 A. I know that we agreed to a general adjournment  
3 of it.

4 Q. So do you know if it's your office's position  
5 that William J. Wagner is the debtor?

6 MR. WOODARD: Form.

7 THE WITNESS: Can you repeat that?

8 MR. ANDREWS: Do you know if it's your  
9 office's position that William J. Wagner, the  
10 plaintiff in this action, is the judgment debtor?

11 THE WITNESS: It's our position that --

12 MR. WOODARD: Form.

13 THE WITNESS: -- we still don't know. Why  
14 would we withdraw the subpoena duces tecum? We don't  
15 know.

16 MR. ANDREWS: I'm all set.

17 MR. WOODARD: No questions.

18 \*\*\*1:46 p.m.\*\*\*

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1                   ERRATA SHEET  
2

## 3                   PAGE LINE

4                   18

change: "Marty" to "Marti"

reason: correct spelling of last name

5                   13

change: remove "a" prior to "skip traung"

reason: extra word

6                   22change: remove "in" 10

reason: extra word

7                   25

change: change "reference" to "Lexis"

reason: typo

8                   9

change:

reason:

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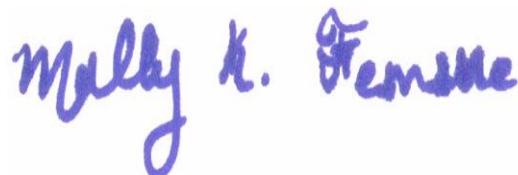
1 STATE OF NEW YORK  
2 COUNTY OF ERIE

3 I, Molly Fenske, a Notary Public in and for the  
State of New York, do hereby certify:

4 That the witness whose testimony appears herein  
5 before was, before the commencement of his deposition,  
6 duly sworn to testify to the truth, the whole truth  
7 and nothing but the truth; that such testimony was  
8 taken pursuant to notice at the time and place herein  
9 set forth; that said testimony was taken down in  
shorthand by me and thereafter under my supervision  
transcribed into the English language, and I hereby  
certify the foregoing testimony is a full, true and  
correct transcription of the shorthand notes so taken.

10 I further certify that I am neither counsel for  
11 nor related to any parties to said action, nor in  
anywise interested in the outcome thereof.

12 IN WITNESS WHEREOF, I have hereunto subscribed my  
name this 10th day of November, 2016.

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18 Notary Public  
19 State of New York  
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